

## **BILL ANALYSIS**

Senate Research Center  
78R10164 JRD-D

H.B. 545  
By: Wohlgemuth (Wentworth)  
Veteran Affairs & Military Installations  
5/1/2003  
Engrossed

### **DIGEST AND PURPOSE**

Military veterans receive a military discharge form called a DD-214 upon separation from the military. This form is required for receiving retirement and often other military benefits as well. The form is often filed with a county or district clerk, making them public records. H.B. 545 provides that DD-214 forms filed with a county clerk after September 1, 2003, or with certain state agencies, is confidential for 75 years. This bill authorizes certain people to access the DD-214 and authorizes veterans to direct the county clerk with whom the veteran's DD-214 is filed to destroy all copies within the clerk's control.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter C, Chapter 552, Government Code, by adding Section 552.140, as follows:

Sec. 552.140. **MILITARY DISCHARGE RECORDS.** (a) Provides that this section applies only to a military veteran's Department of Defense Form DD-214 or other military discharge record that is first recorded with or that otherwise first comes into the possession of a governmental body on or after September 1, 2003.

(b) Provides that the record is confidential for the 75 years following the date it is recorded with or otherwise first comes into the possession of a governmental body. Authorizes the governmental body, during that period, to permit inspection or copying of the record or disclose information contained in the record only in accordance with this section or in accordance with a court order.

(c) Sets forth the persons authorized to inspect the military discharge record or to obtain from the governmental body free of charge a copy or certified copy of the record, on request and the presentation of proper identification.

(d) Requires a court that orders the release of information under this section to limit the further disclosure of the information and the purposes for which the information is authorized to be used.

(e) Requires a governmental body that obtains information from the record to limit the governmental body's use and disclosure of the information to the purpose for which the information was obtained.

SECTION 2. Amends Section 192.002, Local Government Code, by adding Subsection (c), as follows:

(c)(1) Provides that this subsection applies only in relation to a military discharge record that is recorded with a county clerk under this section before September 1, 2003.

(2) Authorizes the veteran who is the subject of the record, or the legal guardian of the veteran, to direct, in writing, that the county clerk destroy all copies of the record that the county clerk makes readily available to the public for purposes of Section 191.006 (Public Access to Records), Government Code, such as paper copies of the record in the county courthouse or a courthouse annex, microfilm or microfiche copies of the record in the county courthouse or a courthouse annex, and electronic copies of the record that are available to the public. Requires the county clerk to comply with the direction within 15 business days after the date the direction is received. Provides that the county clerk's compliance does not violate any law of this state relating to the preservation, destruction, or alienation of public records.

(3) Provides that a county clerk who receives a request under Chapter 552 (Public Information), Government Code, for inspection or duplication of a military discharge record recorded before September 1, 2003, is only required to search for the record in places where, or media in which, the county clerk makes records readily available to the public for purposes of Section 191.006 (Public Access to Records), Government Code. Provides that this subdivision does not apply to a request made by the veteran who is the subject of the military discharge record or the legal guardian of the veteran.

SECTION 3. Effective date: September 1, 2003.